

The meeting of the Douglass Township Board of Supervisors was called to order at 7:06 P.M. Attending were Chairman John Stasik, Vice Chairman Anthony Kuklinski, Supervisor Fred Ziegler, Solicitor Paul Bauer, John Sartor from Gilmore & Associates, Rep. Marcy Toepel and Bill Bushnell, Mike Heydt, Andy Duncan, Chief Templin, Pete Hiryak and approximately 53 residents.

Mr. Stasik led us in the pledge of allegiance.

Mr. Stasik asked for any additions or corrections on the minutes from the March 16th, 2015 Board of Supervisors Meeting, no additions or corrections were given.

A motion was made by Mr. Ziegler, seconded by Mr. Kuklinski to approve the minutes from the March 16th, 2015 Board of Supervisors Meeting. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

Mr. Stasik changed the order of the agenda to have the Engineers Report after agenda approval then District State Representative Marcy Toepel, and then the Solicitor Report, and asked if there were any additions or corrections to the agenda for April 6th, 2015, no other additions or corrections were given.

A motion was made by Mr. Ziegler, seconded by Mr. Kuklinski to approve the April 6th, 2015 Board of Supervisors Agenda with the changes given by Mr. Stasik. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

Engineer's Report – John Sartor, Gilmore & Associates

Berwind II Subdivision – Douglass Estates Phase 1 – Mr. Sartor stated that this project is proceeding through construction. The developer has submitted Letter of Credit Reduction Request #4 which we have reviewed and provided our letter of recommendation dated 4/1/15 to the Township. The Board of Supervisors should consider approving Letter of Credit reduction Request #4 in the amount of \$108,575.46. The amount remaining in the LOC would then be \$378,475.35.

A motion was made by Mr. Ziegler, seconded by Mr. Kuklinski to approve Letter of Credit Reduction Request #4 for Berwind II/Douglass Estates Phase 1 in the amount of \$108,575.46 as recommended by Gilmore & Associates, with the remaining balance in the LOC to be \$378,475.35. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

Berwind II Subdivision – Douglass Estates Phases 2 & 3 – We attended and chaired the pre-construction meeting held on 3/26/15 at the Township between representatives of the developer, the Montgomery County conservation District, Douglass Township, and G&A. We issued our first review letter on 3/27/15 regarding the final plan submission for Phases 2 & 3. We understand that the applicant will be attending the upcoming P/A meeting to request a recommendation for conditional final plan approval for Phase II&III concurrently.

Hallowell Division (Residential Cluster) – Nothing new to report. Please recall that we issued our review letter on 2/26/15 regarding the final subdivision plan submission. On 3/4/15, we attended a meeting with representatives of Douglass Township and The Rosen Organization to discuss our review letter. Our discussions primarily focused on the Township's desired roadway improvements along Congo and Hallowell Roads. At this point, we are awaiting preliminary construction cost estimates from Rosen's Engineer for the desired roadway improvements. Please recall that at their 8/14/14 meeting, the P/A recommended granting conditional final plan approval subject to the applicant complying with all items in G&A's 8/11/14 review letter as well as any other items that may be raised by G&A during review and discussion of those items.

County Line Road Bridge Replacement/Henry Road Bridge Replacement – Mr. Sartor gave a brief review of the bridge replacements. The Township is awaiting further information on both projects.

New Township Maintenance Building – We have completed the field survey and are in the process of preparing the existing features base plan. The onsite geotechnical field investigations are scheduled to be completed within the next several weeks. We are also in the process of preparing the preliminary structural design of the new building. Mr. Ziegler asked if Mr. Sartor has any costs for the new building, Mr. Sartor replied, not at this point.

Mr. Diccio asked Mr. Sartor if we could combine the Henry Road Bridge and the County Line Road Bridge replacements as a two for one deal, Mr. Sartor stated that each bridge would be done separately however we are working on scheduling site inspections and/or assessments of the bridges at the same times. No other questions were asked.

A motion was made by Mr. Ziegler, seconded by Mr. Kuklinski to accept the Engineer's Report. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

147th District State Representative Marcy Toepel and Bill Bushnell were in attendance to present Citations of Merit - Rep. Marcy Toepel announced that Mr. Dennis O'Connell is awarded the Certificate of Dedication from the House of Representatives for his 36 years of dedicated service as the Douglass Township Zoning Hearing Board Solicitor, Mr. Stasik accepted the award on behalf of Mr. O'Connell who was unable to attend the ceremony because of health considerations. Mr. Stasik thanked Mr. O'Connell for his years of dedicated service and thanked the House of Representatives for the award. Rep. Toepel called Chief Rick Smith to the front of the room to present him with a Certificate of Dedication for 40 years of dedicated service with Gilbertsville Fire & Rescue since April 3rd, 1975 and stated that the House of Representatives recognize his years of dedication to the Douglass Township community. Chief Smith thanked Rep. Toepel, the House of Representatives, the residents of Douglass Township, and thanked his family for being so supportive allowing him to serve the community for 40 years. Chief Smith stated that he vowed to Douglass Township that they would always have fire protection service. Rep. Toepel asked Fire Police Captain Harvey Price to come forward to receive his Certificate of Dedication for his 52 years of dedicated service to the community. Rep. Toepel stated that the House of Representatives pay tribute to his 52 years of service. Captain Price thanked Rep. Toepel, the House of Representatives, and the community. Captain Price stated that it doesn't seem that it has been that long and added that serving the community is what it is about. All recipients received a round of applause from the public.

Mr. Stasik announced there will be a short 10 minute break at 7:20pm.

Mr. Stasik reconvened the meeting at 7:30pm, turned the meeting over to Solicitor Bauer for the advertised public hearing.

Solicitor Bauer stated that the Master Traffic Ordinance Amendment 2015-03 is to address the major parking problem along Brookside Drive in Douglass Township, the proposed amendment was decided as the best course of action to prohibit parking at all times in the following location: Brookside Drive parking is prohibited on the side where fire hydrants are located from Swinehart Road to Cleaver Road. The proposed Ordinance was advertised in the Mercury on March 27th, 2015 and a copy of the proposed Ordinance was received by the Law Library on April 2nd, 2015. Mr. Bauer asked for any public comment, no questions or comments were given. Mr. Bauer closed the public hearing and announced that this would be the time for the Supervisors to take action if they choose.

A motion was made by Mr. Ziegler, seconded by Mr. Kuklinski for adoption of the Master Traffic Ordinance Amendment 2015-03 consisting of No Parking on the fire hydrant side of Brookside Drive from Swinehart Road to Cleaver Road. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed

Mr. Kuklinski asked for an addendum to direct the Roadmaster to post appropriate signs on Brookside Drive.

A motion was made by Mr. Kuklinski, seconded by Mr. Stasik for an addendum to direct the Roadmaster to post the appropriate signs on Brookside Drive. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

Solicitors Report – Paul Bauer

Mountain Mulch Update – Obviously the time frame has expired for the removal of all of the material from the Mountain Mulch site. The last communication received from Nate Fox stated he was requesting that the Township agree that his clients are in compliance with all of the terms of the Settlement Agreement wherein Mr. Bauer refused to agree. In response to that conversation Mr. Fox filed a Motion to Interpret the Settlement Agreement with the Montgomery County Prothonotary Office, they believe they are in compliance. A copy of

same was provided to the Supervisors and the Manager. Mr. Bauer asked for the Board's authorization to file sanctions against Mountain Mulch to Montgomery County Court.

A motion was made by Mr. Kuklinski, seconded by Mr. Ziegler to authorize Solicitor Bauer to file sanctions against Mountain Mulch with the Montgomery County Court. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed. File motion for sanctions with court and send answers to Judge DelRicci and hold a conference and expedite meeting and motions or responses will be sent to Mr. Keenan.

Gilbertsville Fire Company – Lease Review – I reviewed the lease and prepared a new draft for consideration by the Board. There is a problem recording the deed of the Fire Company, they found that they own additional land and they need to identify the additional parcels prior to recording the deed.

Litigation Updates – Proceeding with file discovery for police retiree's litigation, Mr. Ziegler stated to Mr. Bauer, this does not include me, and Mr. Bauer confirmed that Mr. Ziegler is not included in the retiree litigation. Mr. Stasik asked if there were any questions on the Solicitor's report. Mr. Kuklinski asked if this lease agreement for Gilbertsville Fire Company is just a draft, Mr. Bauer replied yes just a template. Ms. Keiser found it very interesting that Mountain Mulch operated for a year under this agreement and did not file for an extension until March 31st, 2015. There was 50,000 yards of material on the site after the agreement was signed and they still have 38,000 yards of material still on the site. They still have equipment on the site even though they cannot operate a mulching facility, Mr. Bauer replied that this is a legal issue that the Court must decide what to do. Ms. Keiser asked if the Township has any enforcement authority, Mr. Bauer stated that this question is better addressed by the Judge. Mr. Bauer stated that we could send them multiple sanctions that could involve attorney fees, and daily fines that could be retroactive back to April 1st, 2015, action could not be taken until tonight and hopefully the Judge will see the abundance. Mr. Orner stated you never authorized the zoning officer to take action, Mr. Bauer replied no, the Board has to authorize action at a meeting I cannot authorize the zoning officer to act without the Board's involvement, do not want to get into another situation when a former Supervisor made a unilateral decision. Mr. Kuklinski commented that basically Mountain Mulch is in Contempt of Court, and the Court will act, they could appeal any zoning citation issued this is why a zoning citation was not issued. Mr. Orner stated, Brandt is not involved at this point, Mr. Bauer replied that is correct. Ms. Orner stated that you are allowing to have executive meetings before the public meeting and I thought votes cannot be taken in executive sessions, Mr. Kuklinski replied we have a work session prior to the Board meetings, the door remains open. Ms. Orner commented what about the fire company and police department getting involved in this matter, people complain to Pete & Marcy about this, I feel bad for them they need a medal of honor for what they have to deal with. Mr. Yusco announced that he runs a small facility and he is trying to purchase the Mountain Mulch property for a horse facility. Mr. Kuklinski our goal is to return the property to its original agricultural state, improve the quality of life for the residents in that area, never let this happen again, and have the property be used as its intended use. Mr. Yusco stated that it will take 4 weeks to get permitting, Mr. Ziegler asked for him to keep the manager informed. A meeting will be scheduled for any permit questions. Mr. Diccio said that we should do our best to make sure that the land is not poisoned from the mulch operations, Mr. Bauer replied that DEP must do tests on the land. Mr. Sell asked if we could get the retroactive costs to get that \$25,000 back, Mr. Bauer replied, no that's gone with the original court agreement. No other questions or comments were given.

Applications which are pending but inactive:

Zern Tract – Jackson Road

Quigley Bus Service – Swamp Creek/Schlegel Roads

A motion was made by Mr. Stasik, seconded by Mr. Ziegler to accept the Solicitor's Report. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

Emergency Services Board Report – Pete Hiryak

The manager stated that there was a fire call so there weren't many ESB members present at the meeting. At the meeting Mr. Dries discussed zoning issues, responding to issues, and timeframes for violation notices. Radio upgrades for the Police and Fire Company was discussed. Ms. Janet Bauer discussed possibly having the on duty

police officers carry blankets in the vehicles to assist people in need, there are grants available. Mr. Ziegler stated that he has State Police teddy bears that he could give the police for kids involved in accidents. The manager stated that the next ESB Meeting will be on May 4th. Mr. Stasik commented that he believes the ESB Board will help the Township. No questions were asked.

A motion was made by Mr. Stasik, seconded by Mr. Ziegler to accept the ESB Report. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

Manager's Report- Peter Hiryak

1. The Manager reviewed the upcoming meetings as follows: Thursday April 9th P/A Workshop (Zoning Ordinance Revisions) @ 6pm, P/A Meeting @ 7pm, Monday April 20th @ 6pm Open space Meeting, 6:30pm BOS Agenda Meeting, 7pm Board of Supervisors Meeting.
2. BMMA Meeting Minutes – February 23rd, 2015 copies in lobby.
3. County Line Road Bridge Reimbursement Agreement (Staff Review), information for the Board to review and agreement for review by the Solicitor for the next meeting in May.

Mr. Stasik asked if there were any questions for the manager, no questions were given.

A motion was made by Mr. Ziegler, seconded by Mr. Kuklinski to accept the Manager's Report. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

Old Business/New Business

None was given.

Public Comment

Mr. Link thanked Mr. Dries and the Manager for getting the trailers and trash removed from the auction building on Swinehart Road, it looks much better. Mr. Dries said thank you for the comments but the building issues are not resolved yet. Mr. Sell commented that he was glad to see Mr. Ziegler back and he hopes he is well, Mr. Stasik responded that the Township received a statement from Mr. Ziegler's Doctor permitting him to attend meetings again. Mr. Ziegler thanked Mr. Bauer for a great job he has done especially after Mr. Bauer explained the citation situation concerning Mountain Mulch, and apologized for any gray hairs that he may have caused Mr. Bauer. No other comments or questions were given.

A motion was made by Mr. Stasik, seconded by Mr. Kuklinski to adjourn the meeting at 8:05pm. Kuklinski-Aye, Stasik-Aye, Ziegler-Aye. Motion passed.

The next Board of Supervisor's meeting will be held on Monday April 20th, 2015 @ 7:00 pm.

Respectfully submitted by,
Marcy Meitzler